

The Honorable David G. Estudillo

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

WILL CO. LTD. a limited liability company
organized under the laws of Japan,

Plaintiff,

vs.

KAM KEUNG FUNG, aka 馮錦強, aka
FUNG KAM KEUNG, aka FUNG KAM-
KEUNG, aka KUENG FUNG, aka KEUNG
KAM FUNG, aka KAM-KEUNG FUNG, aka
KEVIN FUNG, an individual; FELLOW
SHINE GROUP LIMITED, a foreign company,
and DOES 1-20, d/b/a AVGLE.COM,

Defendants.

Case No.: 3:20-cv-05666-DGE

**PLAINTIFF'S STIPULATED THIRD
MOTION FOR RELIEF OF
DEADLINES RE: PLAINTIFF'S
AMENDED RESPONSE TO MOTION
TO DISMISS**

NOTE ON MOTION CALENDAR:
April 18, 2022

COME NOW, Plaintiff Will Co. Ltd ("Will Co") by and through its undersigned counsel, file this Third Motion to for Relief from Deadline Re: Plaintiff's Amended Response to Motion to Dismiss. Defendants by signature hereto stipulate to this motion.

I. INTRODUCTION AND FACTS

On or about July 8, 2020, Plaintiff filed this action as a John Doe lawsuit, alleging copyright infringement on the web site avgle.com, with the owners and operators of the

PLAINTIFF'S STIPULATED THIRD MOTION FOR
RELIEF OF DEADLINE TO FILE AMENDED
RESPONSE TO MOTION TO DISMISS - 1 [NO. 3:20-
cv-05666 DGE]

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1 website then unknown. Dkt. No. 1. After early discovery, Plaintiff filed a First Amended
2 Complaint and served with leave for alternative service. See Dkt. Nos. 4, 7, 8, 9, 13, and 19.

3 As a result of briefing on a motion to dismiss for lack of personal jurisdiction, on July
4 19, 2021, the Court granted jurisdictional discovery and permitting supplemental briefing on
5 the jurisdictional issues. See Dkt. Nos. 23, 28, 35, and 43. Discovery issues arose, which
6 required a motion to compel discovery and the court granting an extension for supplemental
7 briefing. See Dkt. Nos. 44, 47, 49, 52, and 53. While the discovery motions were pending, the
8 Court granted a second extension of the deadline for supplemental briefing. This extension
9 establishes a deadline for supplemental briefing to be 60 days after the Court enters a ruling on
10 the Motions to Compel Discovery. See Dkt. No. 55.

11 On March 21, 2022, the Court entered an Order Granting in Part and Denying in Part
12 Plaintiff's Motion to Compel Discovery. Dkt. No. 57. Based upon the date of filing of the
13 discovery Order (Dkt. No. 57) and the Court's previous Order (Dkt. No. 55), deadline for
14 Plaintiff's supplemental briefing on the Motion to Dismiss for Lack of Personal Jurisdiction is
15 May 20, 2022.

16 On May 20, 2022, Plaintiff's counsel has oral arguments in the Ninth Circuit Court of
17 Appeals case *Will Co. v. Lee*, Cause No. 21-35617. Also, in *Rickner v. Allstate*, Western
18 District of Washington Cause No. 3:19-cv-05857, Plaintiff's counsel has motions in limine due
19 on May 12, 2022, Trial Brief, PreTrial Order, and jury instructions due on May 23, 2022 in
20 preparation for a June 21 trial. In a state case, *Armed Citizen's Legal Defense Network v. Office*
21 *of Insurance Commissioner*, Lewis County Superior Court Cause No. 20-2-00723-21, Plaintiff's
22 counsel has a petition for judicial review reply brief due on May 9, 2022 and oral argument on
23 May 13, 2022.

24 In short, it is virtually impossible for Plaintiff's counsel to meet the deadline in this case
25 to file supplemental briefing on May 20, 2022. On April 4, 2022 Plaintiff's counsel regarding
26 the need to file a motion for an extension of the supplemental briefing deadline. Plaintiff's

1 counsel proposed a ten (10) day extension of the deadline and also provide Defendant's a ten
2 (10) day extension of the deadline for them to produce discovery as required by the Court.
3 Defendant's counsel agreed to the proposed extensions.
4

5 **II. RELIEF REQUESTED**

6 Plaintiff seeks relief of the current deadline of May 20, 2022 to file an amended
7 response to the motion to dismiss. Specifically, Plaintiff requests the new deadline to be May
8 30, 2022. As Plaintiff's deadline would be extended, it is requested Defendant's deadline to
9 produce discovery also be extended ten days, to April 30, 2022. Defendants have stipulated to
10 these proposed extensions.
11

12 **III. ARGUMENT**

13 The Court granted an extension for Plaintiff to file an amended response to Defendant's
14 motion to dismiss to May 20, 2022, 60 days after the Court's Order Granting in Part and
15 Denying in Part Motions to Compel Discovery. Due to the aforementioned other litigation
16 deadlines Plaintiff's counsel has in May 2022, Plaintiff's counsel cannot meet this deadline.

17 Therefore, it is requested the Court grant a ten-day extension to the May 30, 2022
18 deadline. In addition, it is requested that Defendant's deadline to produce discovery also be
19 extended ten days, to April 30, 2022. Defendants stipulate to these extensions.

20 Until the Court determines whether further discovery should be compelled, Plaintiff
21

22 **IV. CONCLUSION**

23 For the reasons stated herein, Plaintiff requests relief from the current deadline of May
24 20, 2022 to May 30, 2022, and extend Defendants deadline to serve discovery responses by ten
25 days to April 30, 2022.
26

1 DATED this 18th day of April 2022.

2 FREEMAN LAW FIRM, INC.

3 s/ Spencer D. Freeman

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